

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**Case No. 25-cr-801-MIS**

**CESAR ARTURO MARISCAL-  
GONZALEZ and  
IRVING PEREZ-ALVAREZ,**

**Defendants.**

**ORDER CONTINUING TRIAL SETTING**

This matter came before the Court on Defendants' Unopposed Joint Motion to Continue Trial Setting [Doc. 38]. The Court having heard from counsel and having been advised that Assistant United States Attorney Renee Camacho does not oppose this motion, and; further, the motion by Defendants having been filed in accordance with the provisions of 18 U.S.C. § 3161 (h)(7)(A) and it appearing that the ends of justice served by allowing this continuance outweigh the best interest of the public and the Defendants in a speedy trial; the Court thus being fully advised in the premises finds that Defendants' motion is well-taken and should be granted.

The Court having considered the motion and subsequent to any hearing to determine the appropriate length to continue the trial, being fully advised in the premises and in light of the holding in *United States v. Toombs*, 574 F.3d 1262 (2009), finds that the Defendants have by their motion, created a sufficient record to justify granting the motion to continue. *See id.*, 574 F.3d at 1271 (requiring that the record on a motion to continue "contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time").

This is the first continuance of trial setting for Mr. Perez-Alvarez and the second continuance of trial setting for Mr. Mariscal-Gonzalez.

IT IS HEREBY ORDERED that Defendants' trial setting is continued for sixty (60) days.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. § 3161(h)(7)(A), the delay resulting from the continuance shall be excluded for purposes of the Speedy Trial Act.

IT IS FURTHER ORDERED that the Jury Trial (trailing docket) set for August 18, 2025 is hereby vacated and continued until October 26, 2025 at 9:00 a.m.  
on a trailing trial docket.

  
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UNITED STATES DISTRICT JUDGE